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April 25, 2025

Via CM/ECF

Honorable Katharine S. Hayden, U.S.D.J.
United States District Court
District of New Jersey
Frank R. Lautenberg Post Office and U.S. Courthouse
2 Federal Square, Courtroom 9
Newark, New Jersey 07102

Re: *Student Doe #1, et al. v. Noem, et al.*, Dkt. No. 25-cv-2998 (KSH) (AME)

Dear Judge Hayden:

We write to apprise the Court of two recent developments relevant to the Court's consideration of Plaintiffs' Emergency Motion for a Temporary Restraining Order ("TRO Motion"), as to which our Reply Brief will be filed shortly, and to briefly explain why neither development renders Plaintiffs' request for a TRO, or this civil action, moot.

First, three of the six Plaintiffs' SEVIS records have been reactivated. However, they have not received any explanation for the termination, and the termination still appears in their SEVIS record and thus will have all of the negative consequences that Plaintiffs have described in their Complaint and TRO Briefs. Second, earlier today, news outlets reported that an attorney for the Government made statements during a hearing in the District of Columbia indicating that "ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for plaintiff(s) in this case (and other similarly situated plaintiffs) will remain Active or shall be re-activated if not currently active[.]"¹ However, Plaintiffs have no further information about these changes and cannot assume that they will fully address the concerns set forth in Plaintiffs' Complaint and Motion. Finally, while the records of three Plaintiffs' records were reactivated, three others have not been; those remain

¹ Jordan Fischer, *ICE backs down, says it will restore status of thousands of foreign students*, WUSA9 (Apr. 25, 2025), <https://www.wusa9.com/article/news/politics/federal-fallout/ice-backs-down-says-it-will-restore-status-of-thousands-of-foreign-students-dhs-f-1-visa/65-82a2bd69-3cce-408f-91cd-f80f065b00dd>; see also Kyle Cheney & Josh Gerstein, *Trump administration reverses abrupt terminations of foreign students' US visa registrations*, Politico (Apr. 25, 2025), <https://www.politico.com/news/2025/04/25/trump-admin-reverses-termination-foreign-student-visa-registrations-00309407>.

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terminated. Thus, Plaintiffs do not currently have reason to believe that this case has been rendered moot or that there is any less need for emergent relief. Accordingly, Plaintiffs maintain that a Temporary Restraining Order is appropriate and will be filing their reply by 3 p.m. as instructed in the Court's April 23 Text Order, ECF No. 10.

If Your Honor has any questions or requires further about either of these recent developments, please do not hesitate to contact me.

Respectfully submitted,

/s/ Lawrence S. Lustberg

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